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June 6, 2008

Mr. Paul Caghan
PAUL CAGHAN, P.C.
2506 North Clark Street
Chicago, Illinois 60614

Re: *Patel, et al. v. Patel, et al.*,
Case No. 08 C 386

Dear Mr. Caghan:

I write in response to your May 17, 2008 correspondence where you request “documents which are necessary to address the defendants’ concerns about particularity and factual detail of the complaint.” As an initial matter, Defendants Dilipkumar Patel, Ashwin Patel and Asian American Hotel Owners Association do not have “concerns” about the “particularity and factual detail” in the Amended Complaint. Your clients have alleged no facts which support these claims. More importantly, we are unaware of any facts which could be alleged which support them. Defendants have already been forced to file two motions to dismiss deficient complaints. By your letter, Plaintiffs apparently now concede that the Amended Complaint is the third such deficient complaint.

With respect to the requested documents, Plaintiffs’ letter request does not comply with the Federal Rules of Civil Procedure. First, the parties have not had a Rule 26(f) scheduling conference, and they cannot, therefore, issue discovery pursuant to Rule 26(d). Second, Defendants’ Motion to Dismiss the Amended Complaint has been fully briefed and is pending. There is nothing which requires discovery. Third, even if the requests were not premature and were appropriately directed at some pending issue, Plaintiffs must comply with Rule 34. In contravention of Rule 34(2)(A), which allows a party 30 days to respond in writing to document requests, you ask defendants to provide the documents “within 21 days,” without a Court order or agreement of the parties.

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Plaintiffs have accused the Defendants of violating RICO and committing fraud. The Federal Rules require you and your clients to possess sufficient facts to support these claims. It is apparent from your recent, improper request for documents and from the history of this litigation more generally that you and your clients had no good faith basis to assert any of these claims. It is improper for Plaintiffs to file unfounded claims and then seek discovery hoping to discover some basis for their assertions. For these reasons, the Defendants object to Plaintiffs' requests for documents as listed in your May 17, 2008 letter in their entirety.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. Brennan', with a long horizontal stroke extending to the right.

Bevin M. Brennan

cc: Paul T. Fox